

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

ANDREW CHARTIER

v.

M. RICHARD EPPS P.C., ET AL.

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Civil No. – JFM-14-1071

MEMORANDUM

This action is brought under the Fair Credit Reporting Act and the Fair Debt Collection Practices Act. Discovery has been concluded, and defendants have filed a motion for summary judgment. The motion will be granted.

The case has its origin in what the record clearly establishes to be a typographical error in a settlement agreement reached between plaintiff and defendant Green Tree Servicing, LLC. Under the settlement agreement plaintiff agreed to pay \$21,136.00, which constituted approximately one half of the amount that plaintiff had borrowed in connection with the purchase of a property in Ft. Lauderdale, Florida. The agreement provided that plaintiff was to pay \$2,500 as a down payment and the remaining balance in 48 monthly payments of \$328.26. As the record now makes clear, the monthly payment stated in the settlement agreement was \$60 too low. It should have been \$388.26.

Correspondence between the lawyers prior to the execution of the agreement reflected that the monthly payments were to be in the amount of \$388.26 and that the lender would not agree to accept less than one-half of the amount of the mortgage, unless papers, which plaintiff did not want to submit, were signed. On deposition, the lawyer representing plaintiff during the

negotiations, conceded that the \$328.26 monthly installment payment stated in the settlement agreement was simply in error.

Plaintiff made the down payment of \$2,500 and 48 payments of \$328.26 each. These payments totaled \$18,256.48, which was \$2,879.52 less than the amount he agreed to pay in the settlement agreement. Plaintiff did not pay this amount of Green Tree. This resulted in Green Tree filing a public report that plaintiff was still indebted to it in the amount of \$2,879.52 and in M. Richards Epps P.C. (the other defendant) attempting to collect that debt from plaintiff.

It is clear from the summary judgment record that plaintiff did continue to owe Green Tree \$2,879.52 and that any efforts made by M. Richard Epps P.C. to collect that debt were proper. Accordingly, plaintiff's claim is without merit, and defendants are entitled to the summary judgment they seek.

A separate order to that effect is being entered herewith.

Date: February 1, 2016

/s/
J. Frederick Motz
United States District Judge

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